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October 31, 1989
RP:0116

Mr. Manabu Tagomori
Deputy Director
Commission on Water Resource Management
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Tagomori:

Richard C. Kinser Petition
to Amend the Interim Instream Flow Standard
Applications for Stream Channel Alteration
and Diversion Works Permits
Kaukauai Stream, Kipahulu, Maui (TMK: 1-6-8:5)

The above referenced documents propose to withdraw 5 to 25 gallons per minute of water for 4 hours per day from an ungaged stream for irrigation of applicant's papaya and macadamia nut orchard. A one-inch pipe is to be immersed in a deep pool of the stream from which the water will be pumped to the applicant's property by a solar-powered electric pump. The review of this petition was conducted with the assistance of James Parrish, Hawaii Cooperative Fishery Research Unit; and Harriett Kessinger-Lee; Environmental Center.

Specific Concerns

We note a major area of concern regarding the unknown aspects of Kaukauai Stream and its volume of flow, periods of flow and intermittence. The above referenced application provides no information regarding the volume of water which passes through the stream at various times of the year. It appears that it has never been gaged nor has its biota ever been professionally examined or documented. Therefore, we are lacking the necessary information on which to base a recommendation regarding the feasibility or environmental implications of the above proposed diversion.

We also wish to point out that opae, a native crustacean, is a diadromous species, requiring the provision of sufficient stream flow to allow it to travel back up the stream from the ocean to its point of origin

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in order to complete its life cycle. Should the diversion interfere with this process the opae population in the stream would be negatively impacted.

General Concerns

Apparently, there is a general lack of criteria for granting Interim Instream Flow Standard (IIFS) permits. It seems that all the applicant need supply is an unqualified, undocumented statement as to the stream biota involved, the flow of the stream and any expected impacts of the action. We recommend that the Commission establish criteria requiring qualification of the information presented by applicants in IIFS petitions. In the case of ungaged, previously unexamined streams such as the Kaukai it is important to have them examined by a qualified fishery or freshwater biologist, preferably prior to application.

Criteria for regulations regarding actual amounts and hours of diversion as compared with specifications officially permitted should also be established.

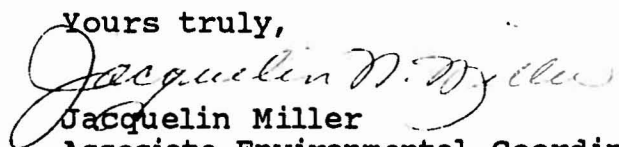
Cumulative effects of additional applications for diversion of water from any one stream is a potential problem if criteria establishing cases meriting permits, as opposed to those which don't, are not adopted. Each case, taken on a piecemeal basis, sets a precedent which, when subsequent similar applications are presented, tends to be followed, possibly at the expense of a serious cumulative detrimental impact.

Also, as precedent is very important in terms of future decisions, it is imperative that the rationale for granting an amendment to the interim instream flow standard be clearly stated.

In conclusion, the above referenced proposal for an IIFS appears to be fairly innocuous, based on the sketchy and unqualified information presented in the application. However, we recommend that the Kaukai Stream be examined by an expert in fishery or freshwater biology, in order to affirm its biological composition and provide a general appraisal of the current stream flow characteristics, prior to petition approval.

Thank you for the opportunity to comment on this document.

Yours truly,


Jacquelin Miller
Associate Environmental Coordinator

cc: OEQC

L. Stephen Lau

James Parrish

Harriett Kessinger-Lee